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09/496,249	02/02/2000	William A. Horwarth	CM-0002	5923	
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CINCINNATI MACHINE, A UNOVA COMPANY 4701 MARBURG AVENUE MAIL STOP ACM			EXAMINER		
			REIS, TRAVIS M		
CINCINNATI, OH 45209		ART UNIT	PAPER NUMBER		
			2859		

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) HORWARTH ET AL.	•							
### Examiner ### Travis M Rols	•		Application No.	Applicant(s)				
Travis M. Reis - The MAILING DATE of this communication app ars on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (30) days, a reply within the datulatory relimitum of thirty (30) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the datulatory relimitum of thirty (30) days, will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the datulatory relimitum of thirty (30) days, will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the datulatory relimitum of thirty (30) days, will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply within the datulatory relimitum. A price of the datulatory of the datulatory seriod will also a seriod of this communication, seven if timely filed, may reduce any semed patients. Status Status Status Status Status Status Status Application is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims A) Claim(s) 1-15 is/are pending in the application. 4) Claim(s) 1-15 is/are allowed. 5) Claim(s) 2-15 is/are allowed. 5) Claim(s) 2-15 is/are allowed. 6) Claim(s) 2-15 is/are allowed. 6) Claim(s) 3-15 is/are allowed. 7) Claim(s) 4-15 is/are allowed. 8) The period drawing of the datulation is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on Sidare allowe			09/496,249	HORWARTH ET AL.				
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1)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 							
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DETAILED ACTION

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Election/Restrictions

1. Claims 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected tool positioning, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 11.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Haggar (U.S. Patent 3089248).

Haggar discloses a machine tool comprising a body (10) 1st, 2nd, & 3rd blocks (22, 24, 26, 28) mounted on said body (10) at 1st, 2nd, & 3rd angular positions respectively about an arc circumscribed by a radius about an axis of rotation, and said blocks having co-planer flat surfaces each with normals parallel to said axis of rotation, said body comprising parallel first (34) and second walls (X, see Attachment) and a third wall (Y, see Attachment) disposed normal and connected to said first and second walls, wherein said blocks are mounted on said first wall (Figure 1).

With respect to the preamble of the claims 1-3: the preamble of the claim has not been given any patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self – contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

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4. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- 5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose or clearly suggest a machine tool wherein said first and second walls include recesses in each wall, in combination with the remaining limitations in the claims.
- 6. Claims 9-16 are allowed.
- 7. The following is an examiner's statement of reasons for allowance:

With reference to claims 9-16, the prior art of record does not disclose or clearly suggest a monitoring system for monitoring alignment of a spindle trunnion axis comprising a probe to measure locations of features on a machine tool monitoring feature control means for moving said spindle mounted probe and 1st, 2nd, & 3rd, blocks mounted on said body at 1st, 2nd, & 3rd, angular positions respectively along an arc circumscribed by a radius about an axis of rotation, in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Applicant's arguments filed 7/24/03 that Haggar does not disclose a machine tool monitoring fixture, they have been fully considered but they are not persuasive since the preamble of the claim is given no patentable weight, as noted in paragraph 3 above.

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Conclusion

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9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M Reis whose phone number is (703) 305-4771. The examiner can normally be reached on 8–5 M–F.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8160 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose phone number is (703) 308-0956.

Travis M Reis Examiner Art Unit 2859 Diego Gutierrez Supervisory Patent Examiner Technology Center 2800

CHRISTOPHER W. FULTON PRIMARY EXAMINER

tmr August 21, 2003